

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 12 2023

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

DENNIS BRUCE ALLUMS,

No. 22-15826

Plaintiff-Appellant,

D.C. No. 3:22-cv-00976-JD

v.

MEMORANDUM*

CITY OF SAN FRANCISCO,

Defendant-Appellee.

Appeal from the United States District Court
for the Northern District of California
James Donato, District Judge, Presiding

Submitted June 26, 2023**

Before: CANBY, S.R. THOMAS, and CHRISTEN, Circuit Judges.

Dennis Bruce Allums appeals pro se from the district court's order dismissing his 42 U.S.C. § 1983 action arising out of a police report made by Allums. We have jurisdiction under 28 U.S.C. § 1291. We review for abuse of discretion the denial of leave to amend, but review de novo the futility of

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

amendment. *Cohen v. ConAgra Brands, Inc.*, 16 F.4th 1283, 1287 (9th Cir. 2021).

We affirm.

The district court did not abuse its discretion in denying leave to amend because further amendment would be futile. *See Cervantes v. Countrywide Home Loans, Inc.*, 656 F.3d 1034, 1041 (9th Cir. 2011) (explaining that leave to amend may be denied where amendment would be futile); *see also City of Oklahoma City v. Tuttle*, 471 U.S. 808, 823–24 (1985) (a single incident of unconstitutional activity is not enough to impose *Monell* liability); *Monteiro v. Tempe Union High Sch. Dist.*, 158 F.3d 1022, 1026 (9th Cir. 1998) (§ 1983 equal protection claim must allege facts that are at least susceptible to an inference of intentional discrimination).

We reject as unsupported by the record Allums’s contentions that he was not provided notice of the removal of the action from state court or served with the motion to dismiss.

AFFIRMED.